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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 11

**TRUSTEE'S MOTION FOR ORDER
ENLARGING TIME TO OPPOSE
MOTION FOR APPROVAL OF
CONDOMINIUM SALE**

Tele. Hearing on Principal Relief

Date: September 22, 2020

Time: 10:30 a.m. PT

Telephone: 509-353-3183

Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the
“Trustee”), hereby moves (the “Rule 9006 Motion”) the Court pursuant to 11
U.S.C. § 105, Rule 9006 of the Federal Rules of Bankruptcy Procedure and Rule
2002-1 of the Local Bankruptcy Rules of the above-captioned court for an Order,
in the form attached hereto as Exhibit A, extending the time to object to the
Chapter 11 Trustee's Motion for Order: (i) Approving the Sale of Condominium,

Chapter 11 Trustee's Motion
for Order Enlarging Time, etc. - Page 1

1 (ii) *Granting Authority to Pay All Closing Costs and (iii) Related Relief* (the “Sale
2 Motion”)¹ [Doc 678], filed on August 20, 2020. This Rule 9006 Motion is
3 supported by the *Amendment and Supplement to Chapter 11 Trustee’s*
4 *Condominium Sale Motion* (the “Addenda”), and the declaration of Mark D.
5 Waldron (“Waldron Declaration”) in support of the Rule 9006 Motion, filed
6 herewith.

7 By this Rule 9006 Motion, the Trustee respectfully requests that the Court
8 extend by four days the deadline of interested parties to respond to the Sale
9 Motion. The new deadline would be moved from Monday, September 14, 2020 to
10 Friday, September 18, 2020. Objections to this Rule 9006 Motion would be due at
11 the telephonic hearing on the Sale Motion, which is scheduled for Tuesday,
12 September 22, 2020 at 10:30 a.m. PT.

13 Typically, a party asks to extend one’s own deadline – not the deadline of
14 other parties. However, here, the Trustee is asking to extend the deadline of
15 interested parties to object to the Sale Motion. Pursuant to the Addenda, the date
16 to close the Sale is extended from September 30, 2020 to October 30, 2020. *See*
17 Addenda, Exhibit 1. Further, the Purchase Price of the Condo is reduced from
18 \$315,000 to \$277,500. *See* Addenda, Exhibit 2.

19 As set forth in the Waldron Declaration, the Buyers have informed the
20 Trustee that their prospective lender denied their financing application after
21 learning of litigation between the Condo’s Homeowners’ Association and the

22
23 ¹ Unless otherwise defined herein, capitalized terms have the meanings ascribed to
them in the Motion.

1 developer and after asserting certain construction defects in the Condo. The
2 Buyers have applied for financing with a different lender but will only purchase
3 the Condo for \$277,500.

4 Before the Addenda, the sale would have triggered an administrative claim
5 in favor of David Carlson of \$25,000, pursuant to the Court-approved settlement
6 with Carlson. Thus, the net price would have been approximately \$290,000,
7 excluding fees and taxes. (The administrative claim would have been paid *pro*
8 *rata* with other administrative and therefore not necessarily in full.) The new price
9 of \$277,5000 does not trigger the administrative claim. Therefore, the net price
10 reduction is approximately \$13,500, excluding fees and taxes.

11 Pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedures, the
12 Court may extend a deadline for cause “with or without motion or notice” so long
13 as the request is made before the deadline has expired. Fed.R.Bank.P. 9006(b). In
14 this case the deadline to object is currently set for September 14, 2020. It has not
15 expired.

16 Extending the objection deadline while keeping the same hearing date
17 would providing extra time for interested parties to consider these revisions while
18 also allowing the estate to preserve the opportunity to close this Sale. The Trustee
19 has not received a better offer and does not believe that keeping the Condo on the
20 market will result in a higher price in light of the litigation and construction
21 problems.

22 The bidding procedures will remain the same other than that the starting
23 price will be \$277,500.

24 Chapter 11 Trustee’s Motion
25 for Order Enlarging Time, etc. - Page 3

1 The Trustee intends to serve upon the MML, notice (“Notice”) of this Rule
2 9006 Motion and of the Addenda in substantially the form attached hereto as
3 Exhibit A.

4 WHEREFORE, the Trustee requests entry of an Order;

- 5 1. Granting this Rule 9006 Motion;
- 6 2. Enlarging the time for interested parties to respond to the Sale
7 Motion by four days – from September 14, 2020 to September 18, 2020;
- 8 3. Finding that the form and manner of Notice as proposed herein is
9 proper and sufficient;
- 10 4. Granting such other and further relief as the Court deems appropriate.

11 Dated: September 10, 2020

POTOMAC LAW GROUP PLLC

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13 By: /s/ Pamela M. Egan
14 Pamela M. Egan (WSBA No. 54736)

15 *Attorneys for Mark D. Waldron, Chapter 11*
16 *Trustee*
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